

3-5-19

Marcellino sentenced: "Defendant Biana Marcellino was convicted of two counts of animal cruelty after a jury trial for failing to provide adequate food and water, and failing to prevent other unnecessary suffering (primarily rain rot) for two gelding thoroughbreds known as McKinney and Beaumont. Judge Stupica accepted our recommendations. Defendant was sentenced to 90 days in jail, all of which was suspended contingent upon successful completion of 5 years' probation. During that time, she may not own, possess or live at a property with equines. All other animals must be kept in a humane, sanitary and lawful manner. She is subject to random inspections by a humane agent to ensure compliance. The two horses were forfeited to the Humane Society. Defendant was also ordered to pay \$14,773.03 as an additional sanction based on costs associated with caring for and rehabilitating the animals. She was fined \$50 plus costs."

Later that evening I learned from Attorney Pannella that Marcellino quit claimed the western parcel of land with the barn on it to her parents, thus evading the terms of her probation.

3-6-19

Accessed the county auditor site and confirmed the quit claim to her parents on 2-20-19. After reviewing the wkyc video of Marcellino's sentencing at around 11:25 in the video I could hear Marcellino tell Attorney Sasse that something, "was already transferred."

I went to the Marcellino property at 7224 Wilson Mills Rd, Chesterland OH with the Chesterland police department. I met with Bianca Marcellino, she was quick to point out that she didn't own the horses or the barn and that I was prohibited to stepping over the property line. I told Marcellino I knew what she did and that I needed to make sure any horses on her property were going to be moved. She had 1 horse in the garage/barn and she said she was moving the horse later that day. I advised her to follow the letter and the spirit of the probation. She smirked at me but said she would, but reiterated that I was not to step onto, "her parent's property."

Made a report to the probation department with these findings.

3-7-19

Contacted by Nicastro that she and several borders who stated they see Marcellino going into the barn. I asked if they had it on camera and she said they did not. She also said her "fence guy" was doing work at the Marcellino property and confirmed there were several horses in stalls, and loose, in the large barn.

3-9-19

Arrived at Nicastro's property at around 6:00 pm. I parked in her renter's driveway with a clear view of the Marcellino barn. Did not see anyone come or go during my time there. Left around 8:00 pm.

3-14-19

Contacted by Nicastro that Bianca was out in the yard with a horse in hand. I went to the Marcellino property around 3:45 pm. With Chesterland PD. When I arrived I found Bella Marcellino, Bianca's sister with the horse. Carlo was also there and he came to speak with me with Bianca on speakerphone. I told

them I received a call that she was at the property caring for a horse. Bianca said she was at work and that I made a mistake. I left the property around 4:00 pm.

4-9-19

Received complaint from Nicastro that Marcellino, "is back to riding/teaching on Sunday afternoons. I asked for proof of the complaint, she said she just heard about it. I advised her I would come out on a Sunday and see if could see it for myself.

4-14-19

I arrived at the Nicastro property in my own vehicle at around 4:00 pm. I parked in the parking lot with clear view of the Marcellino barn. I waited until 6:30 pm and did not see Marcellino entering or exiting the barn.

5-24-19

Contacted by Ann Elko, probation department, she conducted first probation interview with Marcellino. Probation review hearing will be scheduled in future.

5-25-19

I was contacted by the barn manager of the humane society. She advised me Marcellino arrived at Chagrin Valley Farms, where one of the Marcellino horses was adopted. Marcellino tried to enter the barn and make contact with the horse. The owner of the barn contacted the Sherriff department to document the complaint. Incident L19-06616.

7-2-19

Probation review hearing.

7-11-19

Contacted by renters at Nicastros property at 8:45 am, they stated Bianca was out last night helping her father and mother and sister turn the horses out. Unable to verify claims.

7-13-19

Arrived at Marcellino property for a recheck. Met with Marcellino at the front door. Marcellino stated she just got out of the shower and needed to change and asked if I wait. I told her I would. She came out of the house shortly after. She asked for clarity on the terms of her probation. She asked if she had to let me on her property. I advised her that she did. She stated she didn't have horses on her property. I told her that it didn't matter and that I had to do rechecks at the property. She said she understood and she led me to the back of the house to the garage. Marcellino was genial and noncombative. She showed me the barn and it was filled with various items in storage, no way for a horse to be confined in side. I thanked her for her time and she walked me back to the front of the property.

11-25-19

Ohio Supreme Court upheld Marcelino conviction.

6-20-20

Ex. C

Nicastro contacted me that she sold her property. She provided me with a name Jessica and a phone number 713-703-3840.

6-30-20

Contacted by Judy Thrasher and Ann Elko to perform an inspection at the Marcellino property before their meeting with Marcellino on 7-13.

7-10-20

On Friday July 10th on or around 9:00 a.m. I arrived at Ms. Marcellino's property at 7224 Wilson Mills Rd. Chesterland OH 44026. I went to the property to conduct a random inspection as per the terms of her probation.

Ms. Marcellino answered the door and I explained that I was there to conduct an inspection. She asked if she had to let me on her property, I answered that it was the terms of her probation and that she had to let me look around. She brought her phone out and starting filming the exchange. She asked if I received a complaint or if there were other reasons for me being there. I answered that the probation department asked I conduct an inspection before her meeting on the 13th and I was there to do the inspection (per the terms of her probation). She argued with me that the inspections were unconstitutional and that I shouldn't be allowed to do them.

We walked to the back of the house where she had stalls set up in her attached garage. The garage did not have horses, or evidence that horses have been kept in the barn. I advised her I wanted to walk the length of the property to ensure there isn't evidence of horses being kept or coming onto her property. There was also a horse trailer parked on the property, I wanted to look to see if it showed signs of recent use.

At this point Ms. Marcelino became angry and started yelling at me and telling me she wasn't giving me permission to walk the length of the property. She said that I had to reason to go look and that I've never walked back there before. As I was walking I was looking at the adjacent property, the parcel she quit claimed to her parents prior to her sentencing, and Marcellino told me I had no right to look at her mother's property and I was just using the inspection as an excuse to "creep" at her parent's property.

We walked to the end of her property and turned around, as we were walking back the horses inside the barn starting sticking their heads out of their windows so I approached the barn to try and determine their general health and body condition. At this point Marcellino became very agitated and stepped in front of me and said I was trespassing on her parent's property (I was still on Marcellino's parcel) and that I was not allowed to look at the horses. She stepped in front of me and tried block my view at the horses with her body and her cell phone.

Marcellino's friend came out of the house and Marcellino told her to call 911 and she did. Marcellino then started threatening me and telling me that I was in big trouble for trespassing. We walked back to the front of the house to wait for Chesterland PD to arrive. While I was waiting outside of my vehicle Marcellino called her mother and her father and her attorney and told them I was trespassing on the property. Marcellino then spoke to me and told me that my inspection were unconstitutional and that I was not allowed to do the inspections because of "the appellate court". She said that per whole conviction was "bullshit" because her evidence was suppressed because Judge Stupika is "buddy-buddy

with you guys.” She said that, “conveniently my case was seen by Stupika.” I explained that Judge Stupika is the only municipal judge and that is why she heard the case.

Chesterland Police arrived with Chief Purchase. The Chief took Marcellino to the back of the property to speak with her. The Chief returned with Marcellino after a few minutes and said that they were welcome to file a statement with the officer and it will be attached on their report. Mr. Marcellino arrived shortly after. The Chief told him he didn’t have a problem with them but he had a problem with me (pointing at me). I asked the Chief if I could wait in my vehicle and he said he would move the vehicles so I could leave.

As I was pulling out of my vehicle, Marcellino’s boyfriend said to me, “I’m not as nice as her, I would have knocked your fucking beard off.” I left the property at 9:49.

Report was made to Ann Elko at the probation department.